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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/983,007 | 10/18/2001 | Rocco Mertsching | V5305 JE/stt | 7738 |

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| EXAMINER |
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SHAHER, RICKY D

| ART UNIT | PAPER NUMBER |
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2872

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/983,007 | Applicant(s) MERTSCHING ET AL. | |
| | Examiner Ricky D. Shafer | Art Unit 2872 | |

-- Th MAILING DATE of this communication appears on the cov r sh et with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Applicant's election of invention I (claim 9) in the reply filed on 26 April 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 10-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 26 April 2004.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by De Jongh ('257).

As understood by the examiner, De Jongh discloses a rear-view mirror for a vehicle, with a reflective surface (1), wherein the reflective surface, at least in a sub-area, has a display (2) with a reflective background, the display being capable of displaying text symbols or pictograms to a driver of a vehicle. Note figures 1-6 along with the associated description thereof.

5. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Kmetz et al ('928).

As understood by the examiner, Kmetz et al discloses a rear-view mirror for a vehicle with a reflective surface, wherein the reflective surface, at least in a sub-area, has a display [(14),

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(50), (16, 18, 20, 22, 24, 26, 28)] with a reflective background (90), the display being capable of displaying text symbols or pictograms by electrodes (16, 18, 20, 22, 24, 26, 28). Note figures 1, 3 and 8 along with the associated description thereof.

6. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Gallmeyer ('565).

As understood by the examiner, Gallmeyer discloses a rear-view mirror for a vehicle, with a reflective surface (50), wherein the reflective surface, at least in a sub-area, has a display (12) with a reflective background, the display being capable of displaying text symbols or pictograms (12a, 12b, 12c, 12d) to a driver of a vehicle. Note figures 1, 5 and 6 along with the associated description thereof.

7. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Buckley et al ('121).

As understood by the examiner, Buckley et al discloses a rear-view mirror for a vehicle with a reflective surface, wherein the reflective surface, at least in a sub-area, has a display (18) with a reflective background (32), the display being capable of displaying text symbols or pictograms to a driver of a vehicle. Note figures 1, 2 and 3 along with the associated description thereof.

8. Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Moritsugu et al ('754).

As understood by the examiner, Moritsugu et al discloses a rear-view mirror for a vehicle, with a reflective surface (121), wherein the reflective surface, at least in a sub-area, has a display (122) with a reflective background (25), the display being capable of displaying text symbols or pictograms to a driver of a vehicle, wherein the rear-view mirror further includes a distance measuring system (1 to 3) which registers the distance between the vehicle and an

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object located in an environment of the vehicle quantitatively and displays a measured distance information on the display to be viewed by a driver of a vehicle. Note figures 1-4, 7-9 and the abstract along with the associated description thereof.

9. The disclosure is objected to because of the following informalities:

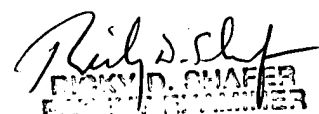
On Page 2, lines 1-3 of the specification, applicant refers to the first claim and the dependent claims for support of various features. It is noted that the description of specification must provide proper support for the claims. Accordingly, the features of which applicant is relying on must be clearly stated. Appropriate correction is required.

10. Claims 8 and 9 are objected to because of the following informalities:

In claim 8, it is unclear whether the "reflective background" is an additional feature completely different from the "reflective surface" or that the "reflective background" and the "reflective surface" is one in the same. Appropriate correction is required.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS // June 18, 2004


RICKY D. SHAFER
PATENT EXAMINER
JUN 18 2004